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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSE MENDEZ-AYALA,

Defendant.

CASE NO.: 2:18-cr-305-KJD-EJY

**FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND ORDER**

FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds:

1. Due to having to translate the Presentence Investigation Report (PSR) into Spanish, Defense Counsel requires additional time to prepare Mr. Mendez-Ayala's objections to the PSR.
2. Mr. Mendez-Ayala is currently in custody, and he does not object to the continuance.
3. Counsel for Mr. Mendez-Ayala has spoken with AUSA Brian Whang, and the Government agrees to the continuance.
4. The additional time requested by this Stipulation to Continue Sentencing is reasonable pursuant to Fed.R.Crim.P. Rule 32(b)(2), which states that the "court may, for good cause, change any time limits prescribed in this rule."
5. The additional time requested herein is not sought for the purposes of undue delay.
6. Additionally, denial of this request for a continuance could result in a miscarriage of justice.

CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interests of the public in proceeding with the sentencing hearing as scheduled, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the defendant

1 the opportunity to appear for his sentencing hearing, taking into account the exercise of due
2 diligence.

3 **ORDER**

4 IT IS THEREFORE ORDERED that the Sentencing date in this matter scheduled for
5 January 29, 2020, be vacated and continued to the 4th day of March,
6 2020, at the hour of 9:00 a.m. in courtroom 4A.

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8 DATED AND DONE this 15th day of January, 2020.

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11 UNITED STATES DISTRICT JUDGE
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